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09/965,187	09/25/2001	Samir S. Soliman	010107	2812
23696 7590 12/13/2007 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER RAMAKRISHNAIAH, MELUR	
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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/965,187
Filing Date: September 25, 2001
Appellant(s): SOLIMAN, SAMIR S.

MAILED

DEC 13 2007

Technology Center 2600

Kam T. Tam
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9-7-2007 appealing from the Office action
mailed 1-31-2007.

Mark R. Powell
12/7/07

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

NEW GROUND(S) OF REJECTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 7, 8-11, 14, 15-19, 23, 32, 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raith (WO 01/63960) in view of Shi (US PAT: 6,507,740, filed 5-18-1999).

Regarding claim 1, Raith discloses a wireless communication system comprising: a first transceiver in (12, fig. 1), a second transceiver in (12, fig. 1), a third transceiver in (20, fig. 1) in communication with the first transceiver, and a controller (not shown) configured to effectuate a handoff from the first transceiver to the second transceiver using a set of optimum parameters (this is implied as the reference teaches using position of mobile communicate device to optimize seamless handovers) that are determined based on a current position of the third transceiver (20, fig. 1, page3, line 1 – page 4, line 4; figs. 1-2).

Regarding claim 8, Raith discloses a mobile unit comprising: a receiver in (20, fig. 1) configured to receive set of optimum system access parameters determined on a current position of the mobile unit (this is implied as the reference teaches using position of mobile communicate device to optimize seamless handovers), a controller (not shown) to effectuate handoff from first base station (12, fig. 1) to a second base station (like 12, fig. 1) based on the received set of optimum handoff parameters (20, fig. 1, page 3, line 1 – page 4, line 4; figs. 1-2).

Regarding claim 15, Reith discloses a base station comprising: a transmitter unit in (12, fig. 1) configured to transmit to the mobile unit (20, fig. 1) a set of optimum handoff parameters determined based on a current position of the mobile unit in a first coverage area (fig. 1) and a controller in (12, fig. 2) configured to effectuate a handoff from the first coverage area to a second coverage area based on the set of optimum handoff parameters (this is implied as the reference teaches using position of mobile

communicate device to optimize seamless handovers: page 7 lines 19-24; page 3 lines 3-20; page 8, lines 2-4, lines 14-15; page 9 lines 1-21)

Regarding claim 23, Reith discloses a method for effecting handoff, comprising: determining a set of optimum parameters based on the current position of the mobile unit (20, fig. 1), and effectuating a handoff from the first coverage area to a second coverage area (see fig. 1) using a set of optimum parameters (this is implied as the reference teaches using position of mobile communicate device to optimize seamless handovers: page 3, line 7 – page 4, line 4; figs 1-2).

Regarding claims 32, 35, 36, Reith discloses a computer readable medium embodying a method for effectuating soft handoff, the method comprising: determining optimum parameters based on the current position of the mobile unit (20, fig. 1), and effectuating a handoff from the first coverage area to a second coverage area using the set of optimum parameters (this is implied as the reference teaches using position of mobile communicate device to optimize seamless handovers: page 3, line 7 – page 4, line 4; figs 1-2), a memory unit in (26, fig. 2) and a digital signal processing (DSP) unit communicatively coupled to the memory unit, the DSP (reads on GPS 50, fig. 2) being capable of determining a current position of mobile unit in a first coverage area (page 9 lines 1-8).

Reith differs from claims 1, 8, 15, 23, 32, 35, 36 in that although he teaches that handover can be made seamless (which reads on effecting soft handoff: page 3 lines 19-20), he does not explicitly describe this as soft handoff.

However, Shi discloses adaptive threshold of handoff in mobile telecommunication systems which teaches the following: In a soft or "seamless" handoff case, the mobile has two or more links with different base stations that are involved in handoff process (fig. 1, col. 1 lines 46-53).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to recognize seamless handoff as equivalent process to soft handoff as explained by Shi so that user of the mobile communication system does not experience any break in communications.

Regarding claim 7, Raith discloses a mobile unit comprising: a receiver in (12, fig. 1) configured to receive set of optimum system access parameters determined on a current position of the mobile unit (this is implied as the reference teaches using position of mobile communicate device to optimize seamless handovers), a controller (not shown) configured to control mobile unit based on the received set of optimum system access-parameters (20, fig. 1, page3, line 1 – page 4, line 4; figs. 1-2).

Regarding claim 14, Reith discloses a base station comprising: a transmitter unit (12, fig. 1) configured to transmit set of optimum system-access parameters (this is implied as the reference teaches using position of mobile communicate device to optimize seamless handovers) determined based on the current position of a mobile unit (20, fig. 1), and a controller in (12, fig. 1) configured to control the mobile unit based on the set of optimum system access parameters (page 7 lines 19-24; page 3 lines 3-20; page 8, lines 2-4, lines 14-15; page 9 lines 1-21).

Raith differs from claims 7 and 14 in that although he teaches that handover can be made seamless (which reads on effecting soft handoff: page 3 lines 19-20), he does not explicitly describe this as soft handoff.

However, Shi discloses adaptive threshold of handoff in mobile telecommunication systems which teaches the following: In a soft or "seamless" handoff case, the mobile has two or more links with different base stations that are involved in handoff process (fig. 1, col. 1 lines 46-53).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to recognize seamless handoff as equivalent process to soft handoff as explained by Shi so that user of the mobile communication system does not experience any break in communications.

Regarding claims 2-3, 9-11, 16-18, Reith further teaches the following: controller configured to determine the current position of the mobile unit (20, fig. 1), current position includes a position of cell /sector coverage area (page 9 lines 1-13).

3. Claims 4-6, 12-13, 19-22, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reith in view of Shi as applied to claims 1, 8, 15, 23 above, and further in view of Huang et al. (US PAT: 6,594,243, hereinafter Huang).

The combination differs from claims 4-6, 12-13, 20-22, 24 in that it does not specifically teach the following: determining optimum system access parameters and optimum soft handoff parameters.

However, Huang discloses methods and apparatus for enhanced handover in a CDMA wireless communication system which teaches the following: determining

optimum system access parameters (for example T_ADD, T_DROP) and optimum soft handoff parameters (for example SNR) to effect enhance soft handoffs (col. 3, line 38 – col. 6, line 48).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: determining optimum system access parameters and optimum soft handoff parameters as this arrangement would facilitate to effect optimum handoff of mobile terminal between the base stations as taught by Huang (col. 2 lines 38-46).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

WO 01/63960A1	Raith	8-2001
6,594,243	Huang et al.	7-2003
6,507,740	Shi	1-2003

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer

exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.


Application/Control Number:
09/965,187
Art Unit: 2614

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Respectfully submitted,

Conferees:


MELUR RAMAKRISHNAIAH
PRIMARY EXAMINER


WIGAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2000



A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below: